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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **TODA, et al.**Group Art Unit: **2643**Serial No.: **09/579,275**Examiner: **LAO, Lun S.**Filed: **May 26, 2000****P.T.O. Confirmation No.: 7796**For: **COMPONENT SELECTION CONTROL SYSTEM****RECEIVED****PETITION TO WITHDRAW FINALITY****JUN 2 2 2004****Technology Center 2600**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: June 16, 2004

Sir:

The Office Action mailed May 11, 2004, paper number 13 was improperly made final. This Office Action was in response to a Request for Continued Examination (RCE) filed on February 18, 2004 which included a Petition for Extension of Time, and a Preliminary Amendment. In the Preliminary Amendment independent claims 1 and 3 were amended to include a newly claimed feature not previously claimed. As a result of this amendment a new grounds of rejection was issued in which claims 1 and 3 were objected to under 37 CFR §1.75(c) and rejected under 35 USC §112, first paragraph, as indicated in page 2 of the Office Action, paper number 13. Since the independent claims were amended which necessitated a new grounds of rejection, the Office Action, paper number 13 was improperly made final.

Therefore withdrawal of the finality of the Office Action is respectfully requested.

In the event that any fees are due in connection with this paper, please charge our Deposit

Account No. 01-2340.

Respectfully submitted,

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